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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/747,937	12/27/2000	Steven D. Curtin	CURTIN 16	3480

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EXAMINER

SHIBRU, HELEN

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 12/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/747,937

Applicant(s)

CURTIN, STEVEN D.

Examiner

SHIBRU HELEN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Specification

1. The disclosure is objected to because of the following informalities: in Page 3 line 2 "write protect tab 6" should be changed to "write protect tab 2".

Appropriate correction is required.

2. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: in claims 4 and 12 the stationary element is claimed as record/play element. However, the specification only discloses a stationary pre-existing signal detection element.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-9, and 11-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Sugiyama (US Pat. No.5, 923,486).

Regarding claim 1, Sugiyama discloses a recording and reproducing system (see fig.11) comprising:

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at least one record/play element for reading and writing information to/from said storage media(recording circuit(204), reproducing circuit(205), and recording and reproducing head(210) of fig.11, and col. 8 lines 9-12);
a pre-existing electronic information signal detection element to read information from said storage media(condition memory(209) and condition judgment logic(203) of fig.11, and col.8 lines 31-34 and 41-45);

a record circuit to activate and deactivate said at least one record/play element based on a state of a signal from said pre-existing information detection element (condition judgment logic(203) of fig.11, and col. 8, line 30-col.9 line 14).

Regarding claim 3, Sugiyama teaches that at least one record/play element is attached to a spinning element (the inherent drum of the digital VCR taught in Sugiyama).

Regarding claim 4, Sugiyama teaches that one record/play element is stationary, (Recording circuit(204) and Reproducing circuit(205) of fig.11, col. 7 lines 51-64).

Regarding claim 5, Sugiyama teaches that pre-existing electronic signal detection element is attached to said spinning element (reading of the copying protective information superimposed on the digital video data by using the record and reproducing head(210) disclosed in col.7 lines 51-64 and col.8, lines 5-8).

Regarding claim 6, Sugiyama teaches that storage media is a video tape (see fig.3A and col.4 line 26-28).

Regarding claim 7, Sugiyama teaches that storage media stores digital information (see figures 1, 2 and 3A, and col.3 line 40-47 and col.4 line 26-28)

Regarding claim 8, Sugiyama teaches that signal detection element is record/play element (see fig.3B, AV signal+protect info, and col.4 lines 26-28 and lines 41-46).

Regarding claim 9 and 16, they are method claim and means-function claim corresponding to the apparatus claim 1; therefore, claims 9 and 16 are rejected as previously discussed in respect to claim 1.

The method claim 11 is rejected for the same reasons as discussed in the corresponding apparatus claim 3 above.

The method claim 12 is rejected for the same reasons as discussed in the corresponding apparatus claim 4 above.

The method claim 13 is rejected for the same reasons as discussed in the corresponding apparatus claim 5 above.

The method claim 14 is rejected for the same reasons as discussed in the corresponding apparatus claim 7 above.

The method claim 15 is rejected for the same reasons as discussed in the corresponding apparatus claim 8 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2 and 10 are rejected under 35 USC 103(a) as being unpatentable over Sugiyama in view of Sasamoto (US Pat. No. 5,912,969).

Regarding claim 1 Sugiyama discloses all the limitations as discussed in claim 1 above except for providing a plurality of record/play elements.

Sasamoto teaches that the digital video signal can be recorded on the magnetic tape using a rotary drum having two different azimuth angles heads (see a rotary drum and magnetic heads 303(a) and 303(b) of fig.1, col. 3, lines 27-30). The two heads 303(a) and 303(b) are considered as the claimed plurality of record/play elements.

It would have been obvious to one of ordinary skill the art at the time of the invention to include the two magnetic heads 303(a) and 303(b) having different azimuth angles as taught by Sasamoto in to Sugiyama's recorder in order to increase the quality of the video signal to be recorded/reproduced because magnetic heads having different azimuth angles in order to increase the frequency of the reproduce signal; therefore, maintaining a desire reproduction output level (see col.9 lines 44-67 and col.10 lines 1-19).

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Method claim 10 is rejected for the same reasons as discussed in the corresponding apparatus claim 2 above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Kimura, Kuroda, and Kanota disclose different methods for copy protection. Takayama discloses a write protection in a tape drive unit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHIBRU HELEN whose telephone number is 703 305 0637. The examiner can normally be reached on M-F, 8:30AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's primary, Ngoc-Yen Vu can be reached on 703 305 4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-4946.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Helen Shibru


NGOC-YEN VU
PRIMARY EXAMINER